

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MUSKET RESEARCH ASSOCIATES, INC.)	
)	
Plaintiff,)	Civil Action No. 05-CV-10416 MEL
)	
v.)	
)	
OVION, INC.,)	
WILLIAM S. TREMULIS, and)	
JEFFREY P. CALLISTER)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO THE AMENDED COMPLAINT**

Defendants, Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister, hereby move for a 10-day extension of time, until May 2, 2005, to answer or otherwise respond to the Amended Complaint in the above-captioned matter. Currently, Defendants' response to the Amended Complaint is due April 18, 2005.

The Amended Complaint, filed on March 16, 2005, contains 50 paragraphs, and purports to allege nine causes of action (both state and federal). As Defendants have communicated to Plaintiff, Defendants have been diligently investigating the allegations contained in the Amended Complaint, but due to the press of business and the travel schedules of individuals that the Defendants need to interview in order to adequately investigate the allegations of the Amended Complaint, Defendants will not be able to complete their investigation and prepare a responsive pleading until the week of April 25, 2005. Accordingly, Defendants respectfully request an extension of time until May 2, 2005 to answer or otherwise respond to the Amended Complaint.

The parties previously filed a joint stipulation extending to April 18, 2005, the time for Defendants to answer or otherwise respond to the Amended Complaint. Prior to the filing of that

stipulation, Defendants informed Plaintiff of its need to have an extension of time until May 2, 2005, citing the same business and travel conflicts set forth herein. Plaintiff would not agree to such extension, but offered an extension until April 18, 2005. Defendants stipulated to the shorter April 18, 2005 extension of time, but specified in the joint stipulation that agreeing to such extension would not prejudice its right to seek a further extension at a later date. While Defendants have continued to diligently investigate the allegations contained within the Amended Complaint, the cited conflicts remain, and thus Defendants have not been able to complete their investigation and prepare a substantive response to the Amended Complaint. Accordingly, Defendants respectfully request an extension of time until May 2, 2005 to answer or otherwise respond to the Amended Complaint.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned counsel certifies that, on April 14, 2005, defendants' attorney, Christopher V. Carani, conferred by telephone with counsel for the plaintiff, Pamela Fulmer, Esq., in a good faith attempt to resolve or narrow the issues presented by this motion. Ms. Fulmer stated that Plaintiff would oppose the present motion.

Date: April 18, 2005

Respectfully submitted,

By: s/Dale A. Malone
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 Christopher V. Carani (*pro hac vice forth coming*)
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**Attorneys for Defendants
Ovion, Inc., William S. Tremulis and
Jeffrey P. Callister**

CERTIFICATE OF SERVICE

The undersigned attorney for defendants hereby certifies that a true copy of the foregoing document was served upon counsel of record for the plaintiff in this action, as follows:

By fax and mail to:

Arthur S. Beeman
Michael L. Gallo
Pamela K. Fulmer
Howard Rice Nemerovski
Canady Falk & Rabkin
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4024

and by first class mail to:

Eric J. Marandett
Lisa M. Gaulin
Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, Massachusetts 02109-2804

DATE: April 18, 2005

s/Dale A. Malone